

IN THE CONSISTORY COURT
OF THE DIOCESE OF CARLISLE

RE THE PARISH OF ST JAMES ULDALE

RE JONATHAN DAVID WILSON DECEASED

JUDGMENT

delivered on 13 November 2017

Introduction

1. Jonathan David Wilson [‘the Deceased’] died on 31 January 2016 and was interred in the Churchyard of St James Uldale in the Diocese of Carlisle. As hereinafter appears I am asked to authorise the erection of a headstone containing the following inscription:

IN LOVING MEMORY OF
JONATHAN DAVID WILSON
OF HILL HOUSE ROSLEY
DEARLY LOVED HUSBAND, DAD AND POP
DIED 31 JANUARY 2016
AGED 70 YEARS
SADLY MISSED

2. St James Uldale is a Grade II listed church.

3. I determine this application on consideration of written representations, being satisfied, pursuant to Rule 14 of the Faculty Jurisdiction Rules 2015, that it is expedient to do so.

The relevant legal principles

4. The Diocesan Churchyard Regulations 2010 were issued by me and came into force on 1 October 2010. They apply generally to all churchyards in the Diocese of Carlisle unless I have, at the request of the Incumbent and the PCC, agreed special Scheme to meet particular local circumstances. There is no agreed special scheme which relates to St James Uldale.

5. As noted by Bullimore Ch in *Freckleton, Holy Trinity* [1994] 1 WLR 1588, the right to be buried in a churchyard does not include a right for the personal representatives, the next-of-kin or anyone else to erect a memorial to the deceased and a memorial placed in a churchyard without permission granted by or on behalf the Diocesan Chancellor constitutes a trespass.

6. As to what may be permitted in a churchyard the words of Holden Ch in *Re Christ Church Harwood* [2002] 1 WLR 2055, at 2056, merit repetition. He said:

“The overall beauty and tranquillity of a churchyard is only as good as its component parts allow it to be. The rights and interests of private individuals, of the worshipping congregation, of all parishioners, of the local community, and of the Church and society at large all have to be considered in permitting a memorial, which is likely to last for ever, to be placed in a churchyard. There cannot be a *carte blanche* situation where a family of the deceased has sole right to decide what is, and what is not, appropriate by way of memorial, not least because ... the family do not own the land in question in which the remains are placed, or on which the memorial is meant to be placed.”

7. Such words have been cited with approval in many cases : see for example *Holy Trinity Eccleshall* [2014 : Lichfield], *Re St Mary Prestwich* [2016] ECC Man 1 and *Re the churchyard of Quarrington Hill* [2016] ECC Dur 1.

8. Additionally it should be remembered that the wording on a memorial will be read not just by those who knew the deceased but also by those who did not and in many ways the message conveyed to those who did not know the deceased is more important than the message conveyed to those who did know him or her.

9. So it is that Appendix B of the Diocesan Churchyard Regulations sets out specific guidance as to, amongst other things, the size of headstones, the materials which may be used and inscriptions on headstones. As to the latter the Regulations state:

“2.5.2. Inscriptions should be simple, reverent and theologically acceptable. Three principles should be observed : epitaphs should honour the dead, comfort the living and inform posterity. In cases where Incumbents may have any doubt as to whether to grant permission for an inscription, they should seek the advice of an Archdeacon.

2.5.3. Brief epitaphs may reflect the life, work, interests or concerns of the deceased, provided that offence is not likely to be caused. Appropriate biblical or other quotations may be helpful in emphasising that life, but these must be entirely compatible with the Christian faith.

2.5.4. The Christian and surnames of the deceased should be given, with dates of birth or death [or age and date of death]. Relationships must be stated correctly. Relations named should normally be limited to parents, children and spouse or partner but, if space is available, grandparents may also be named. Whilst a full form of address [for example, mother] is to be encouraged, the Incumbent has a discretion to approve diminutives in common or regional usage [for example, mum] but before giving such approval the Incumbent should consider [a] whether he, the PCC or any other person

objects, [b] whether there are any other aspects of the proposed memorial which are not normally permitted, [c] whether the grave is in an obvious position, [d] whether the church is one calling for a high standard of inscription writing [for example, a Grade 1 listed church with historic churchyard] and [e] where there are any other memorials in proximity bearing such terms.

...

5.1. The Incumbent does not have delegated authority to permit the following :

...

[f] The use of `pet names`."

The relevant factual background

10. The proposed inscription on the memorial refers to the Deceased as "Husband, Dad and Pop". I believe that it is uncontroversial that the word "Dad" constitutes a "diminutive in common or regional usage", notwithstanding that some years ago Bullimore Ch reached the contrary conclusion in *Freckleton, Holy Trinity*. However when the Incumbent was asked about the use of the word "Pop" she did not feel able to grant permission for this, pursuant to the delegated authority which the Churchyard Regulations give to permit the introduction of a memorial which complies with the detailed provisions of Appendix B. Accordingly the matter was referred to me.

11. In my email sent on 8 November 2016 I stated that I was not inclined to approve the use of the word "Pop" but would approve of the words "Grandad" or "Grandpa". It seems that the Deceased's family were not prepared to adopt such alternative wording.

12. It appears that on 23 October 2016 there was a "brief meeting" attended by 16 people at the conclusion of the 9.15 communion service regarding the proposed headstone. At such time the Incumbent was on a sabbatical and at such meeting the Team Vicar canvassed with those present the appropriateness of the use of the word "Pop" on this memorial. During such meeting various views were expressed and it was noted that "Pop" was a common name in that part of Cumbria and that if "Nan" and "Nanna" had been used, there should be no objection to "Pop". It was suggested that putting the name "Pop" in parentheses after "Grandad" "might smooth the way to acceptance". All of these observations suggested that "Pop" was a "diminutive in common or regional usage" for "Grandad".

13. Although I recognize that such meeting was convened out of the best motives, in my judgment it was unwise for it to have taken place in the manner in which it did. It was an impromptu meeting, convened without any prior notice, and I do not believe that such is an appropriate way of assessing the views of the local congregation, even if the Petition correctly

describes it as “an Open PCC with members of the congregation present”. It is for me, exercising the jurisdiction conferred on me as Chancellor by the Diocesan Bishop, to determine whether the proposed wording of an inscription is appropriate.

14. I note that at such meeting the Team Vicar indicated that the District Church Council had no objections to what was proposed. However such is not recorded in the Petition.

15. On 29 June 2017 the application was considered by the Diocesan Advisory Committee [“DAC”] which had no objections. I note that the application for advice from the DAC did not identify the wording of the proposed inscription.

16. By a Petition dated 20 August 2017 Revd Tricia Rogers [Team Rector], Mr Andrew Coxon [Churchwarden] and Mrs Hilary Chaddock [Churchwarden] sought a faculty for the “erection of a headstone in the Churchyard of St James Uldale”. Prior thereto there had been a Public Notice *in the same terms* displayed at the Church.

17. No objections had been received in response to such Public Notice.

18. I need to make two initial observations as to such Public Notice and Petition.

19. Firstly, neither the Public Notice nor the Petition address the substance of the application for a faculty, namely whether it is appropriate for the proposed inscription on the headstone to include the word “Pop”. I do not believe that anyone reading the Public Notice could possibly have objected to the erection of a headstone in the churchyard. In such circumstances I have considered whether it is necessary for a further Public Notice to be displayed. With some reluctance I have concluded that it is not. This would only serve to cause further delay and from past experience there are invariably no objections to what are in effect private applications for a faculty.

20. Secondly, I note that the application has been made in the names of the Incumbent and the churchwardens, albeit that the application contains correspondence from Mrs Lindsey Wooldridge, the daughter of the Deceased, who I believe had approached the Incumbent in late 2016 about the proposed memorial and inscription. Although I can well understand the pastoral sensitivities of the situation and that it might have been considered more appropriate for the Petition to be made in the names of the incumbent and churchwardens, such an approach is fraught with potential difficulty in that it is possible that objections might be made to such an application and that the Incumbent and churchwardens, on behalf of the Parish, might become involved in contested litigation and might, in the ordinary course of events, be required to meet orders for costs made by the consistory court. In these circumstances I am satisfied that the appropriate course in a case such as this is for any application for such a

faculty to be made by the relatives of the Deceased who can then put their case before the court as they see fit. To adopt any contrary approach runs the twin risks that the Parish exposes itself to adverse orders for costs and that the relatives of the Deceased might perceive that their case has not been put forward in the way they would have wished.

Mrs Wooldridge's views

21. Mrs Wooldridge's views were expressed in her letter dated 12 May 2017 which stated:

"I have also had issues with the wording of his headstone which has been discussed at a Church meeting on 23rd October 2016. He was affectionately known as Pop by any children who knew him including his four grandchildren, going back 30 years. He loved to be called Pop and it was his wish to have it on his headstone and I feel that this is how he should be remembered as he was never referred to as Gramps or Grandad. Pop is a popular name in Cumbria, with the definition as taken from the Collins Dictionary as "Informal name for Father". Without being disrespectful, there are other headstones in Uldale Churchyard that have pictures and wording on them ie birds, walking boots. It appears it is one rule for one and one rule for others. At the aforementioned meeting they do mention having Grandad with Pop in brackets afterwards but my late father was never known as Grandad he was always Pop and I would compromise with just having "Pop".

My aunt is buried in Ireby Churchyard and she is referred to as Nan on her headstone, as this is what she was known as. I do not see the difference with the name Nan to Pop. They had no problems with putting Nan on the headstone. I was led to believe that Uldale parishioners have no objection to the work Pop being on a headstone.

I have lost four family members within a year, which as you can imagine is very hard to deal with, especially as we have a close knit family. I certainly did not expect to have issues regarding these matters and would really like to resolve the problems so that I can respectfully mark my father's passing with the headstone he wanted."

22. In a further document Mrs Wooldridge adds that:

"... [The Deceased] was affectionately known to his grandchildren and indeed other children in the area as Pop and had been known by this for some 30 years and he loved to be called it. Pop is a local name for father or grandfather and if you refer to the Collins Dictionary it states that it is "informal name for father". Within the Churchyard Regulations, item 2.2.16 states that the inscription should give a flavour of the person commemorated and should honour the dead, comfort the living and inform posterity. I feel that the inscription including the wording Pop does give a flavour of my father and honours his memory and definitely gives comfort to the family as we know this was his wishes. As previously stated it also shows a little bit of local character."

Determination of the application

23. The purpose of the Churchyard Regulations is to set out the principles which should be applied in respect of the use and maintenance of churchyards, to provide incumbents with a delegated authority to permit memorials and inscriptions thereon provided they fall within such Regulations and to provide a means whereby when an Incumbent declines to permit a memorial or inscription pursuant to such delegated authority or prefers for any reason not to exercise such delegated authority, I am able to adjudicate upon whether what is proposed should be permitted. In the vast majority of cases the system works well and those who wish to erect memorials and inscriptions comply with the provisions of the Churchyard Regulations.

24. As a matter of common sense the fact that a family may have described the deceased in a certain way during his lifetime cannot in my judgment necessarily justify an inscription in the same terms on a memorial marking his grave, particularly when such would not be understood by others outside the family. Hence the prohibition on the use of "pet names".

25. I accept that one of the many meanings ascribed to "Pop" in the Collins dictionary is that "some people call their father Pop". It thus appears that the word "Dad" and "Pop" are intended to have the same meaning.

26. Although, on the facts of this case, I did not find the holding of a meeting after a church service to have been helpful, largely because such meeting was help impromptu and without prior notice and might thus not reflect a considered view by the majority of those attending, I do recognize that views were expressed at such meeting that "Pop" was a common name in this particular part of Cumbria and that if "Nan" and "Nanna" had been previously been authorized [as I accept they have been in the past], there should be no objection to "Pop". However the comment that putting the name "Pop" in parentheses after "Grandad" "might smooth the way to acceptance" seems to me to indicate that, contrary to the view put forward by Mrs Wooldridge in relation to the position in her own family, the word "Pop" might well be a colloquialism for "Grandad" rather than "Father".

27. Thus my instinct is that I should not allow the use of the word "Pop" as part of the inscription on this memorial as the use of the word "Pop" is merely a repetition of the word "Dad" and that such repetition is unnecessary.

28. That said, I have carefully considered whether in the light of what is said by Mrs Wooldridge about how the Deceased was described as "Pop" by *both* his children and grandchildren [and I believe that there was some acceptance of this at the church meeting where those attending were plainly sympathetic to the inscription sought by Mrs

Wooldridge], the observations at the Church meeting that "Pop" was a common name in this particular part of Cumbria and that at such meeting there was general support for the use of the word "Pop" and that there were no objections to the application for a faculty, I should refuse the faculty sought, knowing that Mrs Wooldridge, who has suffered four recent family bereavements, feels strongly about the appropriateness of the inscription sought for her Father and will be upset by any refusal to permit the inscription she seeks.

29. Having reflected on this matter I am satisfied that, on the facts of this case it would be pastorally insensitive to refuse the faculty sought and that I should grant permission for the erection of a headstone with the inscription as set out in paragraph 1 above. I thus grant the faculty sought.

30. I recognize that in the case of *this churchyard*, the use of the word "Pop", whether referring to a father or grandfather, should henceforth be permitted and I encourage the Incumbent thereof to adopt such an approach in the future. However I emphasise that this is a case which has turned on its own particular facts and that it would not be appropriate that it should be used as a precedent for other cases in other churchyards in the Diocese.

31. In accordance with the practice of this court the Petitioners must pay the costs of the determination of this Petition.



GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Carlisle